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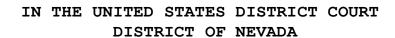
TRIAL PRESENTATION

MOCK JURY SERVICES

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COPYING AND SCANNING

LANGUAGE INTERPRETERS



TESLA, INC.,

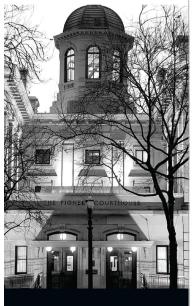
Plaintiff,

VS.

No.3:18-CV-00296-LRH-CBC

MARTIN TRIPP,

Defendant.





DEPOSITION AND TRIAL



(800) 528-3335 NAEGELIUSA.COM CONFIDENTIAL

DEPOSITION OF

NICHOLAS RYAN GICINTO

TAKEN ON TUESDAAY, AUGUST 27, 2019 9:58 A.M.

HOME2SUITES CONFERENCE CENTER
2001 MAIN STREET
KANSAS CITY, MISSOURI 64108

```
data on a chart in a Tableau --
 1
             Tableau chart.
 2
 3
             -- Tableau chart right down to the decimal
        Q.
   point.
 5
        Α.
             Yeah.
 6
        Q.
             Is that data something that Mr. Tripp had
 7
   authority to access as part of his normal job?
8
             Well, it's interesting because data from
   the MOS, from the manufacturing and operating system
10
   is available to a number of production associates
11
   who are asked to run charts, who are asked to do
12
   different, you know, calculations, right, to produce
   metrics for their team so they can track progress.
14
             Did he have access?
                                  Yes.
15
             Was he authorized to use it in the way he
16
   did? No.
17
        Q.
             And I appreciate you making that
18
   distinction because you're right, there's kind of
19
   two components of that, there's did he have
20
   authority to access the information and did he have
21
   authority to give it to Linette Lopez. I want to
22
   focus on the first question, which is, did Mr. Tripp
23
   as part of his ordinary job duties have authority to
24
   access the information in that Tableau?
25
        Α.
             As far as I know he, because he was able
```

```
to access it, he had authority based on the
 1
 2
   permissioning systems.
 3
              I'm going to read a statement to you.
        Q.
 4
              Okay.
        Α.
5
              Tell me if it's true or false.
        Q.
 6
        Α.
             Okay.
              To conduct his job responsibilities Tripp
   was provided the ability to query and access
 9
   confidential part, quality, and process data from
10
   Tesla's manufacturing operating system or MOS; true
11
   statement?
12
        Α.
             May I read it? Is that possible? I'm
   more visual so forgive me. I'll preserve the fold.
13
14
             May I ask where this came from?
15
             You can ask.
        Q.
16
              I mean, if it's part of a broader
17
   statement or if there's context around it, it would
18
   be helpful, more helpful for me to answer the
19
   question.
20
              Generally speaking it's from a document
        Q.
21
   that Tesla prepared.
22
             Okay.
        Α.
23
              Other than that I would probably get into
        Q.
24
   something that Mr. Gates might object to, but
25
   suffice to say these are words prepared by Tesla.
```

```
1
              Okay. May I ask who in Tesla prepared
2
   them?
3
             MR. GATES:
                          I don't know.
4
   BY MR. FISCHBACH:
5
              Probably Mr. Gates or the associate
        Q.
   working for him.
7
        Α.
             Okay.
8
              MR. UMHOFER:
                            No pressure.
9
              I -- I believe that is a true statement.
10
   BY MR. FISCHBACH:
11
        0.
             Okay. Fair enough.
12
             I'm not trying to overly complicate it but
13
   seeing a snippet out of a document when you don't
14
   have the broader context of something bigger is
15
   difficult at times.
16
        Q.
             I'll read you another statement.
17
        Α.
             Okay.
18
        Q.
              In fact, I'll read it to you and then I'll
19
   show it to you.
20
             Get ready. Thanks.
        Α.
21
             Tripp wrote structured query language SQL
        Q.
22
   scripts to obtain data from the entire Gigafactory
23
   running these queries from different computers using
24
   generic user names and downloading the data to a
25
   personal USB drive. I'm going to show you the
```

```
1
   statement so you can read it.
 2
        Α.
             Thank you.
 3
             MR. GATES: In the meantime, I'll
   interject a foundation objection.
 5
             THE WITNESS:
                            Okay.
             So based on what I recall from the
 6
 7
   investigation I wouldn't say that that is false.
   BY MR. FISCHBACH:
 9
             Would you say it's true?
10
             It appears to be an accurate statement.
        Α.
             We talked earlier about -- I don't like
11
12
   putting words in your mouth, but I'm going to put
   words in your mouth. I believe you testified that
13
14
   the fact that Tripp was able to access the data he
15
   did was indicative of his authority to at least
   access that data, correct?
16
17
             Based on the permissioning systems, if he
18
   had access it was because he was given the authority
19
   to access it, yes, assuming it was permissioned
20
   correctly.
21
             All right. You obviously take issue with
        Q.
   how he used the data, but in terms of access he had
23
   authority to access the information?
24
             Correct. And as I -- as I recall, some of
   that access had been limited based on some
```

```
inappropriate use where he had given permissions to
 1
 2
   other users and he had been caught doing that. And
   so at some point his access had been scaled down and
 3
   that had upset him from what I recall in the
 5
   investigation. So I think at the time whatever he
   had accessed he had likely had permission to do so,
 7
   but he may have ultimately had some access levels
 8
   downgraded.
 9
             Did your investigation ever uncover
10
   instances in which Mr. Tripp accessed information
11
   that was outside his authorized level of access?
12
             So using his personal login I don't recall
        Α.
13
   that being the case. I think what I would want to
   go back and take a closer look at from the
14
15
   investigation, which again, I don't have any of that
16
   in front of me and that's been some time, as I
17
   recall he utilized a generic login which may have
18
   been outside the scope of its intended or proper use
19
   to access some -- some information, but that -- that
   element I can't be positive of because it's just
20
21
   been -- it's been a while.
22
        Q.
             Are there any documents that would help
23
   you refresh your recollection on that issue?
24
             I mean, I -- it's a gray question and I
```

just can't say, not because I wouldn't say but I

25

```
1
   wrote software that hacked Tesla's MOS they're just
 2
   referring to three queries about a half page like
 3
   this?
        Α.
             Four queries, there were four things he
 5
   was looking for, bandoliers, modules and stators and
   inverters, so there's four, again that we know about
   based on -- based on this evidence.
 7
 8
             So again when Tesla alleges Mr. Tripp
   wrote software that hacked Tesla's MOS, all it
10
   really boiled down to was four of these half-page
11
   queries to obtain information that Mr. Tripp had
12
   authority to access; is that correct, sir?
13
            When you say all it really boils down to,
        Α.
14
   I think that, like diminishes the technical
15
   expertise that's required. I mean, you say this is
16
   half a page. It's half a page on an 11 by, what,
17
   17. That if you were -- I mean, four of those,
18
   that's actually two pages' worth of queries that
19
   somebody would need training and expertise to write.
20
             Did you understand my question?
21
             I understand your question and you're
        Α.
   oversimplifying the question is what I'm explaining,
23
   you are boiling it down to, boy, wasn't this easy to
24
   do, and Tesla seems to be making a big deal out of
25
   this. And what I'm saying is this query isn't as
```

```
1
   simple as your question is making it out to be, so
   I'm taking issue with the question is what I'm
   saying. If you would like to rephrase it, I would
 3
   be happy to answer it.
 4
5
             I don't know that I should rephrase it,
 6
   but I will say again, sir --
 7
             It's your time.
        Α.
8
             -- Tesla alleges that Mr. Tripp wrote
   software that hacked Tesla's MOS, all that means is
10
   Mr. Tripp wrote four queries just like one on
11
   Deposition Exhibit 16?
12
             What --
        Α.
13
             MR. UMHOFER: Objection, lacks foundation.
14
   Asked and answered. Go ahead.
15
             MR. GATES: Argumentative.
             What it means is he wrote four queries
16
17
   like this at least that we know of that obtained
18
   information that while he may have had the access
19
   technically he was not authorized to obtain for this
20
   purpose.
21
   BY MR. FISCHBACH:
22
        Q.
             True or false: Mr. Tripp authored hacking
23
   software and placed it into the computer systems of
24
   three other individuals at the company so that
25
   confidential Tesla data could be persistently
```

CERTIFICATE

I, the undersigned, David Leyland, am a videographer on behalf of NAEGELI DEPOSITION AND TRIAL. I do hereby certify that I have accurately made the video recording of the deposition of Nicholas Gicinto, in the above captioned matter on the 27th day of August, 2019, taken at the location of Home2suites Conference Center, 2001 Main St., Kansas City, MO 64108, consisting of 1 DVD(s).

No alterations, additions or deletions were made thereto.

I further certify that I am not related to any of the parties in the matter and have no financial interest in the outcome of this matter.

19 David Leyland, Videographer

) and Ly lend

CERTIFICATE Terri L. Huseth, do hereby certify that I, I reported all proceedings adduced in the foregoing matter and that the foregoing transcript pages constitutes a full, true and accurate record of said proceedings to the best of my ability. I further certify that I am neither related to counsel or any party to the proceedings nor have any interest in the outcome of the proceedings. IN WITNESS HEREOF, I have hereunto set my hand this 4th day of September, 2019. Terri L. Huseth